

CITY OF MUSKEGON  
MUSKEGON HOUSING BOARD OF APPEALS  
MEETING MINUTES  
10/06/05  
5:30PM

ATTENDANCE: Randy Mackie, Greg Borgman, Nick Kroes, Jon Rolewicz, Ed Simmons, John Warner, Clara Shepherd

ABSENT:

EXCUSED:

STAFF: Henry Faltinowski, Carmen Smith, Don LaBrenz, Jim Hoppus, Ken Murar, Mark Kincaid, Anthony Kleibecker, and Kevin Stier

GUESTS: Ronald Brush (283 Bennett), Guadalupe Loera (497 Catawba), Karen Gokey (1919 Terrace), Victor Sieradzki (487 W. Clay), Gail Anderson (442 W. Muskegon), Ms Elliott (460 Wood), Students from Muskegon High School

Meeting minutes: A motion was made by John Warner and seconded by Jon Rolewicz to approve the September minutes.

A roll call vote was taken:

AYES:

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Clara Shepherd  
Ed Simmons  
John Warner

NAYES:

EXCUSED:

ABSENT:

Motion carried.

Mark Kincaid stated 283 Bennett is being removed from agenda because most of the repairs are complete and final inspections are being scheduled.

**DANGEROUS BUILDING REVIEW CASES:**

**EN-050104 – 497 Catawba – Guadalupe Loera, 497 Catawba, Muskegon, MI 49442**

Guadalupe Loera was present to represent case.

Ms. Loera stated that she had gotten sick but repairs are done and she's called for a final inspection scheduled for October 7, 2005.

Staff Recommendation: Table for 30 days with owner to schedule final inspection.

A motion was made by Randy Mackie and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

**AYES:**

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Clara Shepherd  
Ed Simmons  
John Warner

**NAYES:**

**EXCUSED:**

**ABSENT:**

Motion carried.

**EN-050103- 442 W. Muskegon – Gail Anderson, 845 Catherine, Muskegon, MI 49442**

Mr. & Mrs Anderson was present to represent case.

Mr. Anderson stated the house has been turned over to real estate company and they plan to sell the house "as is". Mark Kincaid stated when owners were before board in August 2005 they agreed to schedule an interior inspection and there has been no contact since that meeting. Greg Borgman asked when the inspection would be scheduled. Mr. Anderson asked why is interior inspection required when they are

selling "as is" and the exterior has been addressed and the house is empty. Mark Kincaid said the house is considered a "dangerous building" and the Inspections Department needs to get inside and make sure issues are taken care of inside. Mr. Anderson asked what those issues were? Henry Faltinowski reported that there was structural failure of upper stairs and children were living there at the time and the Fire Marshall almost fell thru. Mr. Anderson stated only one step is broken. Mr. Faltinowski said the stairs are a stairwell, an assembly and inspections needs to look at the handrails, guardrails, rise and run. Mr. Anderson asked if there is code for handrails, guardrails which Mr. Faltinowski responded yes. Clara Shepherd asked if house is for sale that whoever buys it is responsible for repairs? Ms. Shepherd said she would not be voting on motion because the owners are related to her. Ms. Shepherd said it was important for board to make sure those representing cases to know it's their responsibility to call for inspections and when an inspection takes place then a list would be prepared to show possible buyers the repairs needed. Nick Kroes stated it's historically been a problem regarding homes considered dangerous buildings being sold "as is" and are passed around and have fallen through the cracks. He stated board does not know what the interior of the house is like but from what they've heard so far it sounds like there may be interior problems and because no interior inspections has been scheduled would cause him to assume there are problems that owners don't want to be seen. Mr. Anderson said if house is being sold "as is" and it's empty and not a public nuisance then what is the board's concern. Nick Kroes stated the biggest problem that comes before board are empty homes. Nick Kroes asked staff what does exterior of home look like? Mark Kincaid stated exterior is now in good shape, the roof is done and siding is finished but the concern is Mr. Anderson agreed to call for interior inspection in August and there has been no contact and that's why the case is being revisited. Mr. Anderson said he doesn't believe there is any ordinance that requires an interior of a house to be brought to any standard in order to sell "as is". He said the house looks good and better than most of the houses in neighborhood on the outside. Greg Borgman said property could turn into a rental and if not caught now landlord could purchase and never get an inspection. Nick Kroes asked Mr. Anderson to clarify if he said he would agree to schedule an inspection which Mr. Anderson said if they wanted to come inspect the house they would have his permission but he wasn't going to change his plans on selling "as is". Mr. Anderson asked if house was being declared without any physical evidence and Greg Borgman said that's the procedure and if there are no issues then case won't be visited again.

**Staff Recommendation:** Declare the building substandard, a public nuisance, and dangerous building with a delay of 60 days before sending to City Commission pending an interior inspection.

A motion was made by Nick Kroes and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
Jon Rolewicz				
Nick Kroes				
				Clara Shepherd
Ed Simmons				
John Warner				

Motion carried.

#### **DANGEROUS BUILDING NEW CASES:**

##### **EN-050108 – 487 W. Clay – Victor Sieradzki, 487 W. Clay, Muskegon, MI 49441**

Mr. Victor Sieradzki was present to represent case.

Mr. Sieradzki stated he was hard of hearing and he had pulled a permit which was ordered and wanted to know for what purpose was he brought before board. Mark Kincaid said permit was issued September 21, 2005 and expires in 60 days, November 21, 2005. Mr. Sieradzki requested that his case be tabled for the 60 days so technical differences could be straightened out. Mark Kincaid stated the shortened expiration date on the permit was given because most repairs needed to be complete before winter months arrive.

Staff Recommendation: Table until December 2005 meeting with Mr. Sieradzki to provide progress report.

Motion made by Jon Rolewicz and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Clara Shepherd  
Ed Simmons  
John Warner

NAYES:

EXCUSED:

ABSENT:

Motion carried.

**EN-050109 – 1919 Terrace – Karen A. Gokey, 200 Houston, Muskegon, MI 49441**

Karen Gokey was present to represent case.

Ms Gokey stated she has only been aware of notice for past two weeks. She stated neighbor had used her yard for dumping ground. She said she was getting estimates for the roof and also found the house had been vandalized. She has not been living in the home and hadn't made a decision yet as to whether she was going to return because she didn't feel safe. She had been working on cleaning up the yard and attempting to clean up the inside and would then call for an interior inspection. Greg Borgman stated when property is left unoccupied the tendency is not to watch as closely. Ms Gokey said she did have a neighbor watching and someone cleaning the yard but they have since moved. She said they are leaning toward selling the house and wants to know the time frame they have to make a decision to get repairs done. Nick Kroes asked if house had been secured. Ms. Gokey said home had been broken into and door left open but home was now secured. Nick Kroes said pictures look awful and wanted to know how long it would take to clean up. Ms Gokey stated yard was already cleaned up and they were working on the interior and planned to have a dumpster delivered next week to finish cleaning up and thought they would be ready to have an inspection within 30 days. Greg Borgman suggested they work closely with Inspection Department to establish a timeline for repairs and cost to repair. Clara Shepherd asked what their plans were for home. Ms. Gokey stated intention was probably to fix up and sell house. Ms Shepherd says from looking at pictures the outside it looks bad.

Staff Recommendation: Table until November 2005 provided owner schedules interior inspection and establish timeline for repairs with Inspection Department.

Motion approved by Randy Mackie and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
Clara Shepherd			
Ed Simmons			
John Warner			

Motion carried.

**EN- 050082 – 1211 3<sup>rd</sup> Street – James Hightower, 5 Saint Austell Dr., Bella Vista, AR 72714**

Mark Kincaid stated the owner of the house is living out of state and is planning on returning the middle of October 2005. He spoke with her by phone and she already has a contractor lined up that has given her estimates. Mr. Kincaid said the house is now secured.

Staff Recommendation: Table until November 2005 meeting to provide time for contractor to pull permits and provide timeline for repairs.

A motion was made by John Warner and seconded by Clara Shepherd to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
Clara Shepherd			
Ed Simmons			
John Warner			

Motion carried.

**EN-050095-460 Wood – Jackson Hill Baptist Church (Old Church) – 460 Wood Street, Muskegon, MI 49442**

Ms Elliott, treasurer and assistant was present to represent church.

Ms Elliott said the church lacked funds to repair church and was looking for funding through Federal grants to repair structure being it has some historical value. They were asking that the case be tabled to allow time for them to investigate where they can attain funds. Clara Shepherd stated church has a lot of history and would not like to see it destroyed and could see it being used as a museum. Ms Elliott stated they would like until the first of the year being the holidays are before them to seek funding thru the federal government if possible. Clara Shepherd suggested extending time to March if their willing to show progress. Henry Faltinowski stated there are serious structural damage happening and if not addressed by engineer or architect soon you might lose large portion of building. Greg Borgman asked if building was secure and if intention was to use as church again. Ms Elliott said they thought the structure could be used for a youth home or something geared toward training as regards the church. Greg Borgman suggested they contact Muskegon Heritage Association that could provide information as to who to contact. Nick Kroes asked if there had been any assessment as to cost. Ken Murar said an interior inspection would be warranted to assess if repairs are cost worthy. Nick Kroes stated if City conducts an interior it would provide a list of repairs that could be presented when seeking funding. Clara Shepherd asked staff if there is a temporary bandage that could be used to sure up structure. Mark Kincaid stated the staff's concern was that a hard winter could do serious damage to building that couldn't be repaired so the suggestion is to contact Inspection Department right away so a comprehensive inspection could be conducted to assess damage.

Staff Recommendation: Table until January 2006.

A motion was made by Jon Rolewicz and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Clara Shepherd  
Ed Simmons  
John Warner

NAYES:

EXCUSED:

ABSENT:

Motion carried.

**EN-030180- 552 W. Clay – Alan Workman J/Et Al, 17720 Cobblefield Lane, Spring Lake, MI 49456**

No one was present to represent case.

Mark Kincaid showed pictures of building and since the building is continuous with more than one owner. The portion that is of concern is taller portion of building on Clay Ave with end toward Sixth Street.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Nick Kroes and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

**AYES:**

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Clara Shepherd  
Ed Simmons  
John Warner

**NAYES:**

**EXCUSED:**

**ABSENT:**

Motion carried.

**OLD BUSINESS:**

Clara Shepherd asked about 758 Orchard and said she's concerned about 1123 Williams. Kevin Stier said the area was a current drug zone. Ms Shepherd said policy is homes are not to be boarded over 180 days. Greg Borgman asked about status of 1063 First Street. Don LaBrenz stated owner was in this afternoon and scheduled a progress inspection next week. Ms Shepherd gave commendation on repair of 1309 6<sup>th</sup> Street and says it looks really good now. Ms Shepherd asked about 1194 Sixth which Don LaBrenz stated that property had been bid out for demolition and should be down soon. Ms Shepherd asked about 390 Catherine which she says house is empty and garage is a mess and wanted to know why it's not on dangerous building list. Kevin Stier said the police have made narcotic arrest in and around that area and owner is out of state and real estate office has given authority to arrest those that trespass on property.

NEW BUSINESS:

**ADJOURNMENT: 6:55 P.M.**

CITY OF MUSKEGON

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Gail Kunder, City Clerk  
933 Terrace Street  
Muskegon, MI 49443  
(616) 724-6705 or TDD (616) 724-6773